

"Yes, while I live, no rich, or noble knave,
 "Shall walk the world, in honour to his grave."—POPE.

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HAMPSHIRE MEETING,

For the nomination of a member to serve in Parliament, in the room of Sir Henry Mildmay, Baronet, deceased; which meeting was held at Winchester, on the 23d of November, 1808, in consequence of the following Requisition and Notification.

"To the High Sheriff of the County of
 "Southampton.

"Winchester, Nov. 15, 1808.

"SIR;—The much lamented death of Sir HENRY PAULET ST. JOHN MILD MAY, BART. having occasioned a vacancy in the representation of this county, we earnestly intreat you to call a meeting of the gentlemen, clergy, and freeholders, to consider of a proper person to be put in nomination to succeed to him as early as convenient.

H. Drummond,	William Garrett,
L. B. Wither,	Wm. Deacon,
Wm. Heathcote,	George Garrett,
P. Williams,	James Deacon,
John Garnett,	David Lance,
John Blackburn,	Wm. Fitzhugh,
J. W. S. Gardiner,	S. Harrison.

"In compliance with the above request, I do hereby appoint a meeting of the gentlemen, clergy, and freeholders of the county of Southampton, to be holden at the castle of Winchester; in the said county, on Wednesday next, at twelve o'clock at noon, for the purpose above-mentioned.—G. H. MITCHELL, Sheriff.—Titchfield Lodge, Nov. 17, 1808."

At twelve o'clock, the sheriff opened the business, having adjourned from the Court-house (which was considered as too small to hold the Freeholders assembled upon the occasion) to the Grand Jury Chamber, into which persons, who wished to take an active part in the proceedings, were admitted, while the assemblage of Freeholders remained in the Castle-yard, and were addressed from the windows.

The Sheriff having read the requisition, and stated his intention finally to take the sense of the meeting by the shew of hands, Sir THOMAS MILLER, Baronet, came forward, and recommended, as a proper person to represent the county, the Hon. WILLIAM HERBERT, which was seconded by Sir CHARLES MILL, Bart. Then Sir

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JOHN POLLEN, Bart. recommended THOS. FREEMAN HEATHCOTE, Esq. a son of Sir WILLIAM HEATHCOTE, which recommendation was seconded by Sir NATHANIEL HOLLAND.

These formalities having, in the course of a few minutes, been gone through, Mr. PORTAL, a friend of Mr. Herbert, came forward, and began an address to the freeholders, with observing upon the unfairness of the conduct, which, upon this particular occasion, the Sheriff had been induced, from the party purposes of those who signed the requisition and others connected with them, to pursue. He said, that the notice to the freeholders was so short, that it was impossible, supposing every one of them to see the newspapers in due course of their publication, all the freeholders could have been apprized of this day's meeting; because, the provincial papers do not bear date till the Monday; are not, in fact, delivered till the Monday, except in places locally favoured in this respect; are not delivered in many parts of the county till the Wednesday morning; and, therefore, it was very probable, and, indeed, almost certain, that there were many of the freeholders at home, reading the notification for the holding of this meeting, at the very moment that the meeting was holding. He appealed to all who heard him, whether such a notice was not unprecedented; whether any meeting, of this sort, had, by any Sheriff, ever been before called, without, at least, two weeks notice; and, he expressed his hope, that no Sheriff would hereafter, from any motives whatever, and especially from motives such as those which had evidently prevailed in this instance, be induced to do what had now been done.—Mr. Portal then called the attention of the meeting to the perilous situation of Europe in general, and of Spain and Portugal in particular. He said, that the question was now to be decided, and that there appeared to be little time left for the decision, whether the brave, the generous, and the noble Spaniards were to be delivered from the grasp of the unprincipled, unsparing and ferocious tyranny of the despot of France, or whether they were to perish

under that grasp, and with them the last remaining hope of the deliverance of Europe. He said, that we had sent out a numerous and gallant army; that the nation, with an unanimous voice, prayed for their success; but, that, numerous and brave as our armies and our fleets were known to be, still there was need of a directing mind at home; need of able men, and men of habits of business, in the House of Commons. He said, that, since the proceedings with regard to the Convention of Cintra, it became more than ever necessary to provide a check upon the conduct of the ministry, who had shown, in a manner almost unequivocal, that they meant to screen those, whom the people, of all ranks and degrees, had, with an unanimous voice, accused of having injured and disgraced the country. Mr. Herbert, he said, had, during the short time that he had the honour to represent the county, fully proved, by his constant attention to his duty; by his independent conduct; and by the great talents he displayed, that he was a proper person again to be chosen for the county, under the present awful circumstances; and that, therefore, not only because he thought Mr. Herbert to be, for several reasons, the fittest person of the two, but, also because the other candidate was already (though they might never have heard of it) a member of parliament, he strongly recommended to the Freeholders of the county to show, by a decided majority in the show of hands, that the sense of the county was in his favour.

MR. COBBETT, who stood at another window, then spoke as follows:—"Gentlemen, we have just been reminded of the necessity there is of our making exertions for the deliverance of Europe. The little, with which I shall take the liberty to trouble you, will be of an humbler cast, having for its principal object, to effect, in time, and in some small degree, at least, the deliverance of Hampshire.—In certain nations, where the great body of the people were slaves, it was a custom with the slaveholders, to give them, at certain fixed periods, a holiday, and to ply them plentifully with drink; one of the principal purposes of which appears to have been, that the children of the slaveholders, from witnessing the beastly behaviour, the senseless noise, uproar, and confusion, that seldom failed to prevail amongst the degraded wretches, upon these occasions, might, at an early age, contract a deep-rooted abhorrence of the odious vice of drunkenness. Too nearly resembling the means, but with an end in view somewhat different, are the

means generally employed by those, who, as yet, condescend to designate us, for one week in seven years, by the flattering name of "*gentlemen*," but who, unless we now make a stand for our rights and liberties, will, all the year round, and during all the seven years, bestow upon us the better-merited appellation of slaves. But, Gentlemen, I am not without hope, that the result of this day's proceedings, notwithstanding the unusual and unprecedented and unjustifiable shortness of the notice for assembling; a notice grown out of a requisition, signed by those who called the honourable baronet lately deceased, by the endearing name of friend, and who have now hastened to seek for some one to fill his place before his corpse was scarcely cold; a requisition from persons who call themselves gentlemen of "*liberal education and generous habits*," though it is impossible to form an idea of any proceeding more illiberal, more ungenerous, discovering a more complete want of all just and gentleman-like feeling; in spite, I say, of the shortness of the notice to the freeholders in general, while secret means have been long using to procure and insure a partial attendance, I do hope, Gentlemen, that the result of this day's proceedings will convince those, who have been the immediate cause of our assembling, and, indeed, which is of much more importance, the nation at large, that, though the freeholders of Hampshire, have, in common with the rest of their countrymen, lost much of their rights and liberties, yet, at any rate, that they have sense enough remaining to know what those rights and liberties are.—Before I have done, Gentlemen, it is my intention to submit to you a proposition, respecting a PLEDGE, which I deem it my duty to obtain from one or the other of the candidates, before I give my vote for either; and, if I should succeed in convincing you, that to require this pledge is reasonable, fair, and conformable to the principles of the constitution, I shall, of course, hope, that you will, in this respect, follow my example. There is a doubt, Gentlemen, upon the question, whether, *after* a member is returned to parliament, he is bound to abide by the subsequent instructions of his constituents; but, I take it, there can be no doubt at all, that *before* we elect a member, we have not only a right to ascertain, but that it is our bounden duty to ascertain, that his intentions are to act agreeably to those leading principles, the adhering to which may, in our opinion, be essential to the well-being of our country.—The purpose, for which we are met, Gentlemen, and

stated in the requisition, and as sanctioned by the Sheriff, is this: "to consider of a proper person to be put in nomination" to serve the county as a member of parliament. Now, Gentlemen, this is a serious and solemn occasion, and so, I hope, you will consider it. We are not met for the vile purpose of hallooing and hooting at the holding up of the finger of a party leader; we are not met to degrade ourselves beneath the beasts that perish, but to exercise our judgment; to decide upon an important question, agreeably to the dictates of reason and of conscience. Apparently, all those, whom I have the honour of addressing, are the friends, some of one of the candidates and some of the other; and, I can assure you, that I am the enemy of neither. They are both gentlemen of fortune and of respectable family; and, of such members of parliament ought to consist. I am for choosing neither vagabonds nor upstarts, who, in general, when possessed of power, prove the worst tyrants. I object to neither of these gentlemen; but, before I give my vote, I must have an assurance, that the person for whom I vote will do, upon certain great points, that which I think is essential to the public good; and, in order that you may see the reasonableness of the assurance that I require, I will, with your indulgence, now state to you what the constitution says respecting the points which I have more immediately in view.—First, then, Gentlemen, the constitution declares, that "the election of members to serve in parliament shall be free"; thereby meaning, that no undue influence of any sort shall be made use of to bias the minds, or obtain the votes of the electors; and next, which is what I more particularly wish you to attend to, it declares, "that no person, holding an office, or place of profit, under the king, or having a pension from the crown, shall be capable of serving as a member of the House of Commons." And, Gentlemen, if you consider the duties, which members of parliament have to perform, you will see the justice and reasonableness of this excellent rule of the Constitution, of all which duties, the first and greatest is, to see that the people's money is not improperly granted, and, when granted, not improperly expended. The House of Commons are called the guardians of the public treasure; and, sometimes, still more emphatically, the holders of the national purse-strings. Now only think, Gentlemen, of the great importance of this office. How long would each of you deliberate; what scrutinizing inquiries would

you make; what solemn promises would you exact, before you would intrust any one with the absolute care and management of your purse. Would you not be quite certain, that he was possessed of integrity enough to secure it from the light fingers of the pick-pocket, and of resolution more than sufficient to defend the open assaults of the highway robber? Yes; and how many years of probation, would you require, before you ventured to confide to him the taking out of the purse just what he pleased?—Besides, Gentlemen, we are to consider what is the company, amongst whom we are about to send either Mr. Herbert or Mr. Heathcote; for, unfurnished with that knowledge, it is next to impossible that we should be able to judge which of them is best calculated for the duty we are about to impose upon one or the other. It is a rule in common life to fit the person, or the animal, to the service: we use a dog and not a sheep for the driving of cattle. Let us see, then, what sort of company that is, into which we are going to send one of the two gentlemen, who have been this day presented to us, as proper to be entrusted with the holding of the strings of our purse.—And, here, Gentlemen, I must, with your leave, refer to a written memorandum of names and sums. The House of Commons, which now consists of 658 members, contains persons, who enjoy the emoluments of 112 places and pensions. But, before I proceed further, suffer me to state to you upon what authority I am about to lay before you these interesting facts.—They are drawn from a Report presented to the House of Commons, in consequence of a motion, made by that intelligent, upright, disinterested, and valiant nobleman, Lord COCHRANE, who, having so often defeated the enemies of England at sea, appears to have wished to contribute towards defeating its more dangerous enemies on shore. His lordship's motion, which would have brought into view all the placed and pensioned relations of the members, was, in a great measure defeated; but, we have, at any rate, got some information from it. The list, even of the members themselves, is very incomplete. It is acknowledged to be incomplete by those who make the Report. Many of the offices, out of mere modesty, I suppose, have not the amount of the emoluments placed against them; and, there are several placemen and pensioners, owing to the want of the returns from the department whence their emoluments arise, who are not mentioned at all, in any part of the Report. But, even from this Report, imperfect as it is, it

appears, that there actually are, in the House of Commons, 78 members, who are placemen or pensioners; that they enjoy amongst them 112 places and pensions; that these places and pensions amount to £178,994 a year, which sum, if it were equally divided, would give to each member of the whole House, £272 a year; and, I am convinced, that, if all the emoluments had been annexed, and all the names brought into view, the sum would have been double what it now appears. What, then, would you say, if you, could behold the long list of places and pensions enjoyed by the *relations* of the different members?—Suffer me now to state some particulars from this list; because they very nearly concern ourselves. First, Gentlemen of Romsey, there is your noble neighbour, my Lord Palmerston, who receives £1,000 a year. Secondly, Gentlemen of Bishop's Waltham, there is your neighbour, Mr. Sturges Bourne (who was standing amongst some tall men in the crowd, at the time) receives £1,500 a year. Thirdly, Gentlemen of the Isle of Wight, there is your Governor, my Lord Fitzharris, who, as governor of the Island, receives £1,379, and, observe, he has taken care to have a grant of this place for his *life*, sick or well; though, I must say, that in all probability, he is as able to command a military force, being bed-ridden, as if he were actually on the back of his charger. This lord has, besides, secured a further grant of the public money to the amount of £1,200 a year for life, to commence after his father's, Lord Malmsbury's, death, and Lord Malmsbury has received for fifteen years past, and is to receive for his life, a pension of £2,300 a year. This, Gentlemen, is the new Lord Lieutenant of our county. A pensioner, paid out of the fruit of our labour, industry, ingenuity, and œconomy. Fourthly; and now I must beseech you to enlarge your minds in a degree proportioned to the increasing magnitude of my subject: He that has ears to hear, let him hear; for I am about to speak of the sums enormous, which Mr. George Rose and his sons have received and do receive and are to receive out of the pockets of this taxed nation. First, as Treasurer of the Navy, he receives, £4,324 a year; next, as Clerk of the Parliaments, which place he has for life, and in which he has never performed an hour's duty, he receives, and has received ever since the year 1783, the sum of £3,278 a year; next, this place is granted to his son, Mr. George Henry Rose for life, who is also a member of parliament; next, Mr. G. Rose has another sinecure place, as

Keeper of the Records in the Exchequer, for which he receives £400 a year; and next, his younger son, Mr. William Stuart Rose, has a sinecure place in the Exchequer, for which he receives £2,137 a year. Which sums put together, make £10,139 a year, which Mr. Rose, and his sons receive out of the taxes annually raised upon us; and, he having, upon an average, received about five thousand a year for *office salary*, besides sinecures, since the year 1783, I am far within the compass when I assert, that he and his sons alone have received out of the taxes of this back-broken country **THREE HUNDRED THOUSAND POUNDS STERLING.**—Such, Gentlemen, is, in part at least, the company, into which we are going to send either Mr. Herbert or Mr. Heathcote. Does it not, then, behove us well to consider, what sort of man that is, whom we thus send? We are about to send, according to the language of the constitution, a person to be the guardian of our money, a check upon the minister in all things, but more especially to be a check upon his conduct as an expender of our money; does it, not, therefore, become us to be as sure as we possibly, in such a case, can be, that this guardian whom we choose, will not himself receive any of this money from the minister; and is it not to be guilty of the grossest self-abuse to pretend to believe that he will be a *check* upon the minister, if he himself be permitted to receive a share of what the minister may choose to expend or give away? But, Gentlemen, there would be, in such conduct, on our part, something a great deal worse than folly. There would be in it the basest treachery towards the rest of our countrymen; for, you are to remember, that there is not one man in five hundred who can, as things now stand, vote for members of parliament. With the interests of persons, of this description, in this country, we are charged, as well as with our own; and, therefore, if, in choosing a member, we consider only our individual interest, we are guilty of dishonesty; and, if we, from negligence, choose an improper person, we are guilty of a flagrant and shameful want of duty towards our neighbour.—The way, Gentlemen, in which I think I shall best discharge my duty, is, to tender to the candidates the *pledge*, of which I have already spoken, for the requiring of which I have, with your great patience and indulgence, given my reasons, and the words of which, with the confident hope, that they will meet with the approbation of every truly honest and independent man who hears me, I will now conclude with reading: "That

" he will never, either directly or indirectly, either by himself or by any person related to him or dependent upon him, receive a single shilling of the public money, in any shape whatever, so long as he shall live; and that he will use the utmost of his endeavours to obtain for this burthened people a redress of all their manifold grievances, and especially of that most crying grievance of having their money voted away by those, amongst whom there are many who receive part of that money."

After this, a person, whose name was said to be BROWN; who was stated to have been a *purser*, or something of that sort, under LORD KEITH; and who now lives, it was said, at Purbrook-Heath, having begun to speak below, was called up to the window, where, having read from the report of the Debates in the short parliament, a passage wherein Mr. Herbert was represented as having proposed the *disfranchisement* of the borough of Lancaster, on account of their conduct relating to their member, COLONEL CAWTHORNE, he, Mr. BROWN, inferred that Mr. Herbert had proposed to disfranchise the said borough, *merely because the voters had presented a petition disagreeable to the House.*

MR. HERBERT then came forward, and began by defending himself against the charge preferred by Mr. Brown; but, owing to the inarticulate sound of his voice it was impossible to catch more than a very small part of what he said. He defended the conduct of himself and his friends; stated that he had never, in any single instance, shown himself dependent upon the ministry, and challenged any one to prove the contrary. He condemned the conduct of the present ministry, with regard to the Inquiry now going on, and complimented the country upon the spirit it had shown, in seconding the laudable and constitutional efforts of the City of London. With respect to the proposed *pledge*, he said, he would promise, in the most distinct terms, that he never would, as long as he lived, accept of *sinecure* or *pension*, and that he would reject, with scorn, the offer of either; but, that he would give no pledge, that, if the king should, at any time, think his services useful to the country, he would not accept of a proper compensation for such services; and this, he trusted, would be satisfactory. Upon perceiving, that Mr. Cobbett signified his dissent from this proposition, Mr. Herbert asked, what objection he had to it? to which Mr. Cobbett answered, "Those services I have no objection to, nor to their being well paid

for; but I know of no services which *can* be performed by a *member of parliament*, which ought to be paid for."

MR. HEATHCOTE said nothing that could be heard, except as to the proposed *pledge*, which he refused to give, though he said, that "if he knew his own mind, he never should receive a farthing of the public money as long as he lived."

MR. BARHAM, perceiving that Mr. Herbert's explanation as to his conduct, in respect to the petition from Lancaster, had not been clearly understood, came to the window, and, in a very clear and satisfactory manner, showed, that Mr. Herbert's conduct, upon the occasion referred to, was not only blameless but deserving of the highest praise. Having completely removed the impression produced by the erroneous construction of Mr. Brown, Mr. Barham said, that he had a test, whereby to try the candidates, to whom he put this question: "Will you, if the Inquiry, now going on, respecting the Convention of Cintra, should end in a blank report of merely *all's well*, bring forward, or support, in parliament, a motion for another and more satisfactory mode of Inquiry?"

Mr. Herbert answered distinctly in the affirmative; Mr. Heathcote gave no answer at all.

The Sheriff now put the question to the Freeholders, which of the two candidates they chose to put in nomination; and the majority appeared in favour of Mr. Heathcote.

* * * I must put off, till next week, what I intended to have said, respecting the Income of the Duke of York; the proceedings of the Court of Inquiry; and the conduct of the Mayor of London.

NEW EDITION OF THE STATE TRIALS.

On Monday, the 2d of January, 1809, will be published (to be completed in Thirty-six Monthly Parts, forming Twelve very large Volumes in Royal Octavo), Part the First, Price 10s. 6d. of

COBBETT'S

COMPLETE COLLECTION OF STATE TRIALS,

AND PROCEEDINGS FOR HIGH TREASON,
AND OTHER CRIMES AND MISDEMEANORS,
FROM THE EARLIEST PERIOD DOWN TO
THE PRESENT TIME.

In proceeding with the Parliamentary History, which it has been, and is, one of the principal objects of my life to lay complete before the public of the present day, and,

in that state, to have the satisfaction of leaving it to posterity, I have for some time past, perceived, that there would still be wanting a Work like that above-described. In putting to myself this question: "How shall I go to work to secure the best chance of rendering a son capable of accomplishing great things; fit to have a share in guiding the minds of others; of weight sufficient to make him an object of respect with good and of dread with bad, public men?" In putting this question to myself, the answer my mind suggested was: "Suffer not his time to be wasted in learning sounds instead of sense; suffer not his body and mind to be debilitated by continual confinement and continual controul and correction. Give him, God being your helper, a sound body and strong limbs; habituate him to bear fatigue; to move with confidence and rapidity in the dark; to fare and to sleep hard; and, above all other things in the world, to rise with the lark, thus making his year equal to eighteen months of his effeminate contemporaries. Next lead him into the paths of *knowledge*, not minding whether pedants call it *learning*, or not; and, when he arrives at the proper age for acquiring that sort of knowledge, make him acquainted with every thing material, as to public affairs, that has *really* occurred in his country, from the earliest times to the present day. Open to him the book, not of speculation, but of unerring experience. That he may be able to judge of what is, as well as of what ought to be, shew him, in detail, all the political causes and effects, to be found in our history; make him see clearly how this nation has come up, and how this government has grown together."

From these or such like reflections, sprang that arduous undertaking, the Parliamentary History of England; and, from the same source arises the work, which I now submit to the judgment of the public. As I proceeded with the History, I found, that to read discussions, relating to Trials for high Treason and for other high Crimes and Misdemeanors, and not to be able to refer immediately to those Trials, they being so intimately connected with the history of the parliament, and being a detailed relation of some of the most important and most interesting events to be recorded, could not fail to be greatly disadvantageous to the student: yet, to bring into the History such a mass of legal proceedings, which admitted of little abridgment, was, for several reasons, not to be thought of. I, therefore, resolved to form

them into a separate Work, to be published during the same time, and in the same manner, as to paper and print, with the Parliamentary History.

Besides the consideration of uniformity, there were others which had great weight in this determination. The State Trials are now to be found only in an edition of *Eleven Volumes in folio*, a form so unwieldy that it is impossible they should ever be much read, to say nothing of their incomplete state, or of the expense; which latter alone, owing to the scarceness of even this imperfect edition, must be a serious obstacle to general circulation. So that this Work, though absolutely necessary to the lawyer and the professed politician, very curious, interesting, and instructive, in *itself*, and, in a high degree, illustrative of the legal, political, and constitutional history of the country, is to be met with in but very few private libraries, those of counsellors and solicitors not excepted. The mere reduction of size, from the unmanageable folio of former editions to that of the royal octavo, double page, which unites economy with convenience, will, in itself, be no inconsiderable improvement. But, the proposed edition will possess the following additional advantages: 1. The series will commence more than two hundred years before the time of the earliest transaction noticed in the former editions. Many very important Trials and curious matters, omitted in the former editions, though occurring within the period which those editions embrace, will be supplied; and the series will be continued down to the present time: 2. Many useless repetitions, ceremonials, &c. will be omitted, but every Trial will be scrupulously preserved: 3. Many unmeaning and uninformative pleadings will be omitted; yet all those, which are either curious in themselves, or upon which any question arose, will be carefully retained: 4. The different articles, relative to each case, will be placed together, so that the trouble of frequent references backwards and forwards, attending a perusal of the former editions, will be avoided; and, where references from one part of the Work to another necessarily occur, the paging of the present Work will alone be regarded; so that the confusion arising from the various pagings of the former editions will, in no case, arise to tease and retard the reader: 5. The Trials, instead of being placed in the vexatious disorder of the former editions, will stand in one regular chronological succession, unless where a different arrangement shall be dictated by some special reason; as, for instance, where more

Trials to the same may soon through exhibit to the 6. Bring persons to be occasions of law those persons on Criminal and cases down, refer History connect work Collect Courts greatest, and times, 10. To a full the last Index I hope any im It is of the be com Edition bring t will m Work, very la will be the Par publica that, Volume Parts, of ever Magaz and wi all the News will m with th rately, bound that of For ed, a v well, possess well ve be great ance t

Trials than one concern the same party, or the same transaction; for, in such cases, it may sometimes be thought advisable to break through the order of time, for the sake of exhibiting together all the particulars relating to the same matter or the same person: 6. Brief historical notices of the conspicuous persons mentioned in the Work, or references to published accounts of them, will be occasionally inserted: 7. Where points of law arise, references will be made to those parts of the Law Digests, or Treatises on Criminal Law, in which the principles and cases, relating to such points, are laid down, or collected: 8. In like manner, references will be made to my Parliamentary History for any Parliamentary Proceedings connected with any Trial, and to any other work calculated to elucidate any part of this Collection of Trials: 9. Some Trials before Courts Martial, but those only of the greatest importance and most general interest, and illustrative of the history of the times, will be preserved in this work: 10. To each volume there will be prefixed a full and clear Table of Contents; and in the last Volume there will be a General Index to the whole Work, so complete that I hope it will be found to leave nothing of any importance difficult to be referred to.

It is computed, that the Eleven Volumes of the last edition of the State Trials will be comprized in Nine Volumes of the New Edition, and that the Additional Matter to bring the Work down to the present time, will make three Volumes more. The whole Work, therefore, will consist of Twelve very large Volumes. The paper and print will be, in every respect, similar to those of the Parliamentary History. In the mode of publication only there will be this difference; that, while the History is published in *Volumes*, the Trials will be published in *Parts*, one Part coming out on the first day of every month, in the same manner as the Magazines and other monthly publications; and will, like those publications, be sold by all the Booksellers, Law-Stationers, and Newsmen in the kingdom. Three Parts will make a volume, and it will be optional with the Subscribers, to take the Parts separately, or quarterly to take the Volumes bound in boards, in a way exactly similar to that of the History.

For me to pretend to undertake, unassisted, a Work of this sort, which, to execute well, requires the pen of a person not only possessed of *great legal knowledge*, but also *well versed in the history of the law*, would be great presumption. Without such assistance the Work was not to be thought of

for a moment; and, I am convinced, that the very first Part will satisfy the reader, that it has not been undertaken without means of every kind sufficient to carry it on to a conclusion, in a manner worthy of matter so generally interesting and highly important. In the publication of the History, I relied upon the sound sense of the public, rather than upon the prevailing literary taste of the times; and from the success of that work, I am convinced that success will attend this also. I am convinced, that there are readers, and readers enough, who wish to know, from authentic sources, what the *facts* of our history are; how our government *really* was administered heretofore; what sort of men our forefathers *really* were, and how they *really* acted; and who will not be satisfied with the vague notions which alone can be collected from historical magic lanterns, like that of Hume for instance, in which no one single object is plainly or distinctly presented to us, but where a multitude of images are made rapidly and confusedly to pass before our eyes, distorted and discoloured according to the taste of the showman.

Nov. 20, 1808.

W. COBBETT.

* * * The First Part will be published on Monday the 2d of January, 1809; and as the number of copies of the succeeding parts must, of course, be regulated by the degree of success that can reasonably be counted upon, Subscribers are respectfully requested to send in their Names as early as possible.

The Work will be published by R. Bagshaw, Brydges Street, Covent Garden; and will be sold by J. Budd, Pall-Mall; J. Faulder, New Bond Street; H. D. Symonds, Paternoster Row; Black, Parry, and Kingsbury, Leadenhall Street; J. Archer, Dublin; and by every Bookseller, Law-Stationer, and Newsmen in the United Kingdom.

COURTS OF INQUIRY.

SIR,—The observations of Major Cartwright at the Middlesex county meeting, as given in the *Times* of yesterday, to shew that courts of inquiry are not only *illegal*, but political weapons which are dangerous to the constitution, having thrown new light on the conduct of ministers relative to the transactions in Portugal, it is now to be hoped the intended course of proceeding will be changed to that which is alone consistent with the administration of justice. The case is one that admits of no possible doubt; the law is plain; the path to be walked in perfectly straight. There can be no deviation without criminal design. An act so

atrocious as to have shocked the whole nation, and given cause of deep dissatisfaction to our allies, has been perpetrated in open day, in the presence of two armies, in the face of Europe. The nation demands a trial, and justice. "You are premature," says the minister, "you *prejudge* the parties concerned, but you shall have "*due inquiry*." "*Due inquiry*," Sir, is *legal inquiry*; and, by the converse of the proposition, that which is *not* legal inquiry, is *NOT* "*due inquiry*." It is in the mouth of every despicable quibbler, that calling the Armistice and Convention a crime, is to *prejudge*. If to *accuse*, be to *prejudge*, and on that account is not to be listened to, how is any criminal to be brought to justice? According to this doctrine, I may see one man kill another, and *apparently* without authority, without accomplices, without provocation, but I am not to accuse him of murder, because that is *prejudging*. He may have been doing his duty, or acting under a legal authority, or on self-defence. Is such reasoning to prevail, and the trial of crimes to be stayed, until guilt is first proved? or what else is the meaning of this quibbling?—That I might not, Sir, be misled by the assertions of the Major, I have consulted the authorities he quoted, namely, Blackstone and the Mutiny Act, and find him perfectly correct. Blackstone, b. 3, c. 3, says, "the LAW hath appointed a prodigious variety of courts,"—"all these in their turn will be taken notice of in their proper places," which he accordingly performs. The Mutiny Act now in existence, herein copying, as I believe, the very words of every preceding mutiny act, §. 31, says,— "for bringing offenders against such articles of war to justice, *it shall be lawful* for his Majesty to erect and constitute courts martial, with power to try, hear, and determine, any crimes or offences by such articles of war, and to inflict, &c." But the act now where says "*it shall be lawful* for his Majesty to erect and constitute"—*courts of inquiry*; in which neither members nor witnesses are to be upon oath, in which a witness may or may not answer a question, at his pleasure, and before which no person can be brought as a witness, unless he think fit to attend, and the summons to which even the accused may treat with contempt. The law, Sir, has not done any thing so absurd and monstrous as all this. And shall, then, any minister be permitted to do so absurd and monstrous a thing *without law*?—Now, Sir, let us see who are the *prejudgers*. An innocent officer is accused of a very serious crime, which, being at-

tended with some nice and difficult circumstances, nothing short of the powers of a regular court, with full authority for compelling attendance, and all the powers of law over witnesses, can extract the truth, and give the party his acquittal. If such a party is to be called before such a mock tribunal as I have described, and there, for the want of due means of legal investigation, is judged a proper subject for trial before a court martial, will this circumstance have no effect to his prejudice? Is not this a cruel *prejudging* of his case?—How, again, may it be in the case of a guilty person? May not niceties and difficulties in the case so embarrass the members of a "*court of inquiry*," conscious of the extreme defects of their appointment in all its parts, and not bound by the sanction of an oath to administer justice, when attended with severity, that they may not venture to say the accused person ought to be put upon his trial? And would not this be a *prejudging* favourable to guilt? To *prejudge*, is to *pronounce* upon any act, as to its being criminal or not criminal, *before* it has been decided on by the proper court of law. To *accuse*, and to *pronounce* upon, are very distinct things. But ministers sharply rebuke those who only *accuse*, and call it *prejudging*; while they themselves first assume the arbitrary power of interposing, between accusation and trial, an absurd and monstrous species of tribunal, which it is not "*lawful* for his Majesty to erect and constitute," and a tribunal which cannot possibly do otherwise than *prejudge* the case at issue. Is this, Sir, to be endured? If the nation can tamely suffer itself to be thus insulted, I will not say it is prepared for slavery, but it is already enslaved, for none but slaves could silently submit to such indignity.—To make a shew of impartiality, and to ward off from themselves the suspicion of *packing* a court for skreening their colleagues, ministers are said to have put upon their court of inquiry a certain noble lord, and to have ordered that the court shall be an *open court*. But, Sir, when a court is not only *illegal*, but of the ministers' *sole appointment*, I am at a loss to know how it can be otherwise described, than as a *packed court*; and is not a *packed court* as odious and revolting as a *packed jury*, to the feelings of Englishmen?—Now, Sir, those who would liken a court of inquiry to a grand jury, and pretend to recommend it on that account, ought to recollect that a grand jury is *not* an open court; and that it can examine no witnesses but on the side of the prosecution. Here,

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Sir, are new dilemmas. Will ministers venture, in these particulars, to adhere to the practice of grand juries; and to direct their court to take the examination of every witness on the side of the prosecution who shall present himself?—Should they take this course, any indignant Englishman may demand admittance to their presence, with the Gazette in his hand, containing the three documents, signed by Sir Arthur Wellesley, Sir Hew Dalrymple, and Sir Charles Cotton, containing the Armistice, and the two parts of the Convention. The accusation of those officers is, for having signed those documents and carried the conditions of them into execution. It is no matter whether the circumstances which the accused persons have to bring out upon their trials before a court martial will, or will not exculpate them; all that is legally necessary for putting them upon their trials is, to prove that they are the persons who signed and acted upon those documents. If the court should have any doubts of those facts, they must call for the originals, and for the proofs of the signatures. If, in the coroner's phrase, there have been accessaries or accomplices among *persons unknown*, that may come out in evidence; and then, in my judgment, it will be time enough to talk of parliamentary inquiries into this business. At present, we have only to do with the three persons, who, by their *assent*, under their own hands, have made themselves either principals or accessaries.—Is any special pleader in this case to attempt talking the nation out of its senses, by denying that there has been any criminality at all, and maintaining that criminality in those acts must *first be proved*, before those who performed them can be brought to trial? I, on the contrary, maintain, that there is criminality on the face of those acts, a criminality that has shocked and stunned the whole nation, and that it is fit those officers should disprove the accusation, or suffer the punishment due to them. It is to be remembered, that military law, in its nature and principles, is of necessity of greater strictness and severity, and properly so, than the common law of the land. It is also to be recollected, that cowardice, which at common law is no crime at all, is, by military law, and very properly, a heinous crime, and liable to capital punishment. It is likewise to be recollected, that, although want of judgment, or even imprudence, in a man's civil conduct in his private affairs is no crime, yet for a military commander even to err in his judgment, or to mismanage the force entrusted to him, is, more or less, according to circumstances, criminal

and punishable. And it is right it should be so. No man ought to arrive at, or to accept, the command of a fleet or an army, without professional judgment and skill. His situation requires these qualities. He is paid for exercising these qualities in the service of his country. It was more from a want of these qualities, than from any proof of cowardice, that Admiral Byng was sentenced to die. Un-officer-like conduct, in point of skill, was one of Sir Hugh Palliser's charges against Admiral Keppel; and for an imputed misconduct, by Sir Robert Calder, in his manœuvres, tending rather to cover and secure the two line-of-battle ships he had taken, than to hazard their loss again by attending to nothing but how he should get again into action with the enemy, that that gallant, and I must needs think very *judicious* officer, was sentenced to a grievous humiliation. It may, Sir, be digressing from the point immediately in hand, to say more on the case of Sir Robert Calder, whose person I never saw but once in my life, and with whom I have not the smallest connection; but I so warmly feel the injury which in my mind was done him, that I cannot but remark, that the very conduct for which he was reprimanded, was the very conduct enjoined by the immortal NELSON to the commanders under him, in a paper written the evening before the battle of Trafalgar. In that paper, presuming that in the approaching action some of the enemy's ships might be captured, while a part of the hostile fleet might be in a condition to attempt their recapture, he particularly instructed his commanders, in writing, by way of precaution in case of his own fall, to make *the security and protection of their prizes the first object of their attention*. Sir Robert Calder not only did this effectually, but in a masterly and most officer-like manner, parried the enemy's attempts at reaching those ports where he must have been joined by a strength that would have given him a resistless superiority. For this conduct, Sir Robert experienced a harsh sentence, and has never since been employed; although, as Major C. observed at Hackney, the ships he took were not returned to France with drums beating, colours flying, and sixty rounds of ammunition; but were conducted to an English port, and their crews to an English prison.—To return, however, from this digression: while considering our military law, it is very plain, that there ought not to be one measure for a sea officer and another for a land officer; and yet it is well known, that any commission officer commanding a vessel, from a first rate to

a gun-brig, *who loses the same*, whether with glory or dishonour, whether by his fault or his misfortune, whether in fight or by shipwreck, *must be tried by a court-martial*. And is not this invariable rule of the service most proper, and most admirable?—I forgot to remark before, that criminality, in military law, attaches to whatever is *dishonourable*; and not merely in a moral sense; for whether an officer should commit a felony, or should habitually get drunk with blackguards in a night-cellar, or should suffer himself to be kicked in the open streets, or should sign, either as a besieger or a besieged, a shameful capitulation, bringing disgrace on the arms of his country, he would be alike punishable for such conduct as *dishonourable*. Shall then, Sir, the naval commander of the smallest gun-brig, who shall *lose the same*, merely for that act, whether blameable or meritorious, be inevitably, as a regular rule of the service, brought to a court-martial; and shall it for a moment be a question, whether generals who have signed such a capitulation as that of Cintra, which has blasted our laurels, disgraced our arms, injured our allies, and favoured the enemy beyond whatever is on record, shall, or shall not, be brought to trial?—From the reference made at Hackney to the cases of Keppel and Calder, and comparing them with the audacious attempt to skreen Sir Arthur Wellesley, it is high time that this illegal, unconstitutional, and mischievous engine of a *discretionary* court of inquiry, to be interposed as a conductor for dissipating the lightnings of national indignation, *only* when a minister has a friend to protect, *only* when political purposes and corrupt interests are to be served, should be wrested from the hands that are so daringly using it, and destroyed for ever.—This ministerial expedient of a *court of inquiry* for saving a colleague, may perhaps remind you of a circumstance that happened in the case of Byng. In sight of the enemy he called a *council of war*, and the consequence was, there was no battle. Soon afterwards, as *Flash and Fribble*, on the stage, were at high words, and clapping their hands to their swords, the lady present cried out, ‘Lord, lord, what shall I do to prevent their fighting?’ upon which an honest tar in the gallery bawled out, ‘call a *council of war*.’ Thus our war minister cries out, ‘lord, lord, what shall I do to prevent a trial?’ to which the valiant landsman who erst proposed a march to Paris, replies,—‘call a *court of inquiry*.’—One word, Sir, if you please, on calling upon the king to assemble *parliament*, for inquiring into the

business of Cintra. In this call, nothing can I recognize but the voice of *faction*. It insinuates that the blame does not rest with our military commanders, *but with ministers*. I see no ground, at present, for any such insinuation. Ministers, as well as the nation, were taken by surprise, as to the existence of a hope that Spain and Portugal could possibly be saved from the gripe of France, since which I cannot but praise their exertions for meeting France on that theatre. Ready as I am to condemn their illegal, unconstitutional, and corrupt conduct for saving the man on whom depends the *twelve votes*, yet where *I see no blame*, I will not even *insinuate accusation*. If a rash individual of inordinate ambition, who well knew all the combinations of their council and plans for reducing Junot, were so eager to snatch from his superiors the wreath of victory, that he would not allow time for those combinations to operate, nor for the whole force destined for Portugal to be brought to bear upon the enemy, it is extremely illiberal to impute consequences to ministers, which, as I conceive, are imputable to him alone. So far as I can judge, they had furnished ample means for effecting, by right management, the reduction of Junot, to a surrender at discretion; and those, in whose hands those means failed of accomplishing the object which, in Portugal, was the end proposed, ought to be first brought to trial before we look farther.—I have another objection to the calling of *parliament* for inquiring into the conduct of *ministers*. Parliament is too well read in Scripture to expose itself to the rebuke of, ‘Thou hypocrite, first cast out the beam out of thine own eye; and then thou shalt see clearly to cast out the mote out of thy brother’s eye.’—No! no! its “brother” is safe enough from inquiry, until the arrival of that great constitutional renovation, which you, Mr. Cobbett, have from time to time, foretold was approaching. We may have factious attacks, and factious defences, we may have hostile motions and bitter speeches, we may have committees and commissions, and we may have piles of reports as high as Pelion or Ossa, but until this renovation shall take place, we shall not see a minister really called to account by a parliament, nor any department of the state swept of its corruptions.—MARVEL.—*Palace-Yard, 13th Nov. 1808.*

STAFFORDSHIRE MEETING.

MR COBBETT,—The active and decisive part which you have taken in the question of addressing the king for an investigation into the causes which led to the Portugal

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Convention, leaves no doubt, but the result of the meeting, held yesterday for the county of Stafford, will become a subject of your animadversion. Of that result the newspaper reports will give you an accurate detail. But I conceive that you must be strangely puzzled to account for the unanimity which prevailed at the meeting, after reading the names attached to the requisition, without some clew to guide your judgment. It is my object to give you that clew; or rather, by a statement of facts upon which you may depend, to discover to you the motives which actuated those staunch friends of constitutional doctrines, the requisitionists, to assert their privileges, and display their *independent principles*, upon this occasion.—On the 24th day of October last, a copy of a requisition was sent to the high sheriff of this county by Mr. Blount. The sheriff, in acknowledging the receipt of the same, wrote that he could have no possible objection to comply with the wishes of the requisitionists to call a meeting of the county; and begged that the *original* requisition might be transmitted to him as his voucher; and which indeed was necessary to produce, and be read at the opening of the meeting. Upon this, Mr. Wolseley and Mr. Blount waited on the sheriff, and told him, that they had no requisition signed individually, but read various extracts of letters which authorized them to subscribe the names of several noblemen and gentlemen, and alleged that they had verbal authority for the rest. They declined giving up the letters, but had no hesitation to sign an authority for the sheriff, which they accordingly did.—A day was fixed for the meeting, and the requisition was published in the *Staffordshire Advertiser* in the form in which they signed it.—To the surprise of every one, in the paper of the week following, immediately under the requisition, appeared a remonstrative letter to the sheriff from Mr. Wolseley; and a protest from the Marquis of Stafford who declined attending the meeting on the ground that the requisition was published in an “irregular and unprecedented manner.”—Now, Mr. Cobbett, I look upon it that the zeal of the noble marquis in the cause of his “insulted and degraded country” is not of that description which will urge him to die a martyr in its cause; when, upon the plea of a trifling informality (which, by the way, I do not admit existed), he could withdraw his support from a measure to which he had attached such important results. He might have found a better example, Mr. Cobbett, in the proceedings of

the Hampshire meeting; but the example I allude to, he would, be assured, have called “irregular,” as it is certainly “unprecedented.” It must be admitted, however, that his lordship’s sagacity, upon this occasion, is entitled to commendation, as I can affirm that no person in this county would have been able to discover, much less to notice, the irregularity complained of, if his lordship had not kindly condescended to point it out.—But this was not the true reason of the noble marquis’s defection. The secret must be told, though I am afraid, Mr. Cobbett, that it will be as unpleasant for you to hear, as it was galling to the noble marquis to discover. The fact is, that the universal opinion of the people of this county, freeholders and others, is, that an address to his majesty for the purposes mentioned in the requisition is not, under the present circumstances, necessary. It was this conviction, which reached his ear very soon after the publication of the requisition, that induced the Marquis of Stafford, to think that he acted precipitately; and he would have given—(yes; depend upon it)—he would have given one or two of his best pictures that he had not signed that cursed requisition!—His pride could not bear the idea of the shameful defeat that awaited him in his own county, and even by his own adherents; much less could it bear the idea of submitting to the frank acknowledgement of the truth.—Mark, then, to what meanness pride is reduced. Rather than manfully come forward and avow his sentiments, and support the opinion he had so strongly worded in the requisition,—which, be it known, was drawn up under his immediate inspection at Trentham,—rather than do this, the Marquis of Stafford chose to seize upon an Old-Bailey-like quibble, and at all hazards to abandon the object which appeared to him so essential to the future welfare of the country. Like the very generals, who were the ostensible cause of the requisition, he withdrew from the field, and suffered the enemy to dictate his own terms.—After this desertion of a principal leader of the requisition force, others of inferior quality complained that their names had been subscribed upon very slight authority, and without their being acquainted with the nature of the requisition to be made; and one gentleman, as you will perceive by the report, through the medium of a friend, from the hustings, actually denied having given any authority at all, for his name. And here one cannot help remarking the judicious precaution of the sheriff in adhering to the usual manner of publishing

the requisition from an authenticated original.—In spite, however, of the alleged informality, and the noble marquis's protest, the meeting was, not only very numerous, but highly respectable. But not one man of those whose names appeared to the requisition, came forward to avow their signatures, or to propose an address: although Sir Robert Lawley, Mr. Wolseley, and Mr. Blount, were in the town of Stafford during the meeting, and it was believed fully prepared to do so. Lord St. Vincent, who by his own acknowledgement came into the county for that express purpose, remained quietly at Stone, about seven miles from the place of meeting. That, however, the production of their deliberations might not be lost to the world; and probably with a view of assisting other county meetings with their enlightened and *patriotic principles*, they have published the Address which they *meant* to propose for the adoption of the county. For the rest, they contented themselves with presenting silly protests against an informality which existed no where but in their own blundering and sneaking conduct.—Now permit me, Mr. Cobbett, to ask, if it is to this sort of men that the people of England are to look up, for the maintenance of their civil and political rights, and for the redress of their many and crying grievances; to these water flies, whose public spirit is damped by the spleen of disappointed pride, and whose patriotism is subservient to courtly etiquette, and the companion of party malevolence?—How disgusting is their conduct when compared to your own upon a similar occasion;—you, who by the mere dint of talent and firmness carried an Address (which I certainly believe you did) in the face of rank, wealth, and probably of the powerful stimulus of ministerial influence!—What I have above stated you may rely upon as truth. I could enumerate abundance of other circumstances which would serve to place the *public spirit* of these *independent gentlemen* in a proper point of view. But you are already in possession of enough to enable you to deal to them that portion of praise which their conduct merits, in any remarks you may be induced to make upon the meeting of this county. —A. B.—*Litchfield, 12th Nov. 1808.*

BREWERIES.

SIR;—In your Register of the 12th inst. I was much pleased with the perusal of a paper signed "A Hampshire Brewer," the production of a person evidently competent to the discussion of the subject he has

brought before the public: and I have only to wish that the paper might have a circulation commensurate with its importance to the community. His general ideas on the production of an uniformly good and wholesome malt liquor are such as can only have been derived either mediately or immediately from an extensive practice aided by a close and philosophical course of observations. From such a writer I am sorry to differ in any thing, but a strict regard to truth, and especially a truth in which men are practically interested, induces me to trouble you with a few observations on some remarks in the gentleman's paper; and for which, I trust, he himself will not deem it necessary to offer any further apology.—It is stated by the writer that the relative value of malt, sugar, and treacle are, "as 8 bushels of malt, so are 196 lbs of sugar or 240 lbs of treacle." I wish the writer had furnished us with the precise grounds of this stated ratio of value, and of the method by which he formed it. As it is, we are left to infer, from other parts of his paper, that his conclusions are built on hydrostatical experiments; and I am the more inclined to suppose so from repeated trials, in which a given quantity of saccharine substance put in solution, when examined by the instrument, has not increased in density scarcely one third of the gross weight of the substance dissolved: a proportion, I believe, that will nearly correspond with the statement which he has furnished us with. But I entertain serious doubts whether any instrument we now have in use is adapted to shew us the *relative value* of two musts, the one prepared from malt and the other from either sugar or molasses. My reasons are these: In the extract from malt a considerable portion of mucilage or viscous matter is blended with the saccharine which is obtained, while the extract from molasses, for instance, is nearly a pure saccharine liquor. Now, as the action of any statical instrument must be in proportion to the specific gravity of any liquid on which the experiment is made, it is evident that the spissitude of the malt extract must far exceed that of the other. But is it philosophical to conclude from thence that the one *must necessarily* be richer and superior to the other? I appeal to the Hampshire Brewer himself. Does he consider that his last wort, which, for the sake of argument, we will suppose to weigh 10 lbs per barrel, equal in point of quality to a one third portion of his first wort, which we will conclude to weigh 30 lbs per barrel? Why not? Because, though the latter possesses

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an abundance of mucilage, yet it possesses a much greater proportion of saccharine also. It is with justice that he considers "sweet" as the basis of vinous fermentation; for it is very certain, that the vinosity of any liquor, (the fermentation &c. being equal) will be in proportion to the quantity of the original base which it possesses. I may therefore be allowed to doubt whether the instrument alluded to, be capable of that extent of application which is attributed to it, and whether the value of the three sweets he has mentioned be correct. I would be very far from being understood as intending to depreciate the merits of the instrument. I know its value too well. But though it will answer every useful purpose to a brewer, where the extract is from malt alone, yet philosophical precision requires it to be stated, that the one which is generally used cannot with any very great propriety of term be called a "Sacharometer." If in a solution of sweets it can only indicate about one third of the value, we may ask what becomes of the remaining two thirds? Are they evaporated? Or do they remain in the liquor, enriching its quality, though in such a rare elastic form as to elude the test of the instrument? I think the fact cannot possibly be doubted. Mr. Reynoldson somewhere speaks of a friend of his (I think a Mr. Bent) having a method of separating the mucilaginous from the saccharine parts of a wort. Could such a method be generally adopted, we then might have some certain data, from which we might fix a scale for the valuation of any extract. The penalty on the use of either sugar or molasses in the brewery is too serious to risk the actual employment of them, though were the circumstances of the times to make a revision of the act expedient, I think that they might be partially used to advantage. I say partially, because, if used in too great a proportion they would destroy the characteristic taste and quality of the beer itself. The principal obstacle to their use would be in the want of a proper apparatus for estimating their value. Could that be effected, I should have little doubt but a fair comparison would evince an advantage of 40 per cent in a limited use of them, instead of a loss of 20 per cent according to the estimate of the Hampshire Brewer. And so far from deteriorating the beer, they would contribute to its excellence, and be a means of remedying the defects of beer brewed from inferior and ordinary malts. But on the use of every narcotic drug, let just censure fall in due vengeance; and the trade perish, that cannot

subsist, but with the use of materials, the natural tendency of which is to bring on debility and disease! The evil has of late been considerably increasing, and calls for some effort to avert its baleful effects. I am glad of the testimony that has been borne by this gentleman on the subject, and only regret that in a paper of so much merit any opinion should be advanced that will not bear the test of rigid examination.—To you, Mr. Cobbett, I owe an apology for the length of this letter, but when I say, that the subject has some considerable importance attached to it, in a chemical, as well as political and economical point of view; I trust that such a consideration will be deemed a sufficient one, both to yourself and your readers, from Sir, yours, &c.—
CANDIDUS.—*Malton, 15th Nov. 1808.*

RIGHT OF PETITION.

LETTER I.

SIR.—Your late letter to the freeholders of Hampshire, inserted in your Register of the 29th of last month, is sufficient to excite the vigilance, and arouse the ardour of every British subject. You have with great propriety and equal force exposed the flimsy objections, urged by the advocates of the ministry against a full inquiry into the Convention of Cintra. The Answer to the Petition and Address of the city of London, could not, in such a discussion, escape your censure. In fact, that memorable and unprecedented Answer appears to me a most dangerous attack, made by the servants of the crown, on one of the most valuable rights and privileges of the people of England; a privilege, which was demanded and established at the Revolution, and which eminently distinguishes this country from the enslaved nations of the continent of Europe. The ministers will doubtless deny the justice of the imputation; but let us attend not to their professions, but to their acts. A respectful, but firm address is presented to the crown, by the first city of the empire, praying that a full and efficient inquiry be made into a transaction, which, in the opinion of the petitioners, stains with indelible disgrace the name of Britain; they prejudice no individual; they desire only that guilt may be investigated and punished in a fair and constitutional manner. In these sentiments and views they are supported by the unanimous voice and ardent wish of the whole empire. To this just and rational application, what is the answer given by the servants of the crown? For to them exclusively belongs the odium of this uncon-

stitutional transaction. They read to the petitioners a lecture on the first elements of British justice, as if a modest petition for inquiry were an open violation of its principles; they refer to some recent instances, to prove the *general* willingness of his majesty to institute inquiries, though it is notorious, that these instances never satisfied the wishes of the country; they acknowledge the disappointment of the hopes of the nation, on the subject of the petition, but they loudly declare that the interposition of the city of London is wholly unnecessary in this critical conjuncture of affairs. The answer in plain English amounts to this: "However culpable our commanders by sea or land may be; however disastrous the situation of our affairs; what degree of guilt may exist in the management of our concerns; the good citizens of London, and consequently the people of England, have nothing to do but to remain quiet, patiently to pay their taxes, and leave these higher concerns to the wisdom of the king's ministers, without troubling his majesty with their complaints."—This, Sir, is the real substance of their answer; a fair commentary on a most ungracious, harsh, and repulsive text. In the records of ministerial pride, I have never found such an answer to a modest petition. Napoleon would not have ventured to insult his good people of Paris in so pointed a manner. The public will judge, whether such language, dictated by the servants of the crown, be not injudicious in the extreme to the valuable Right of Petition, secured to us by the wisdom and steadiness of our ancestors at the era of the Revolution. A wicked and unprincipled minister, who *openly invades our liberties*, becomes much less dangerous, than he, who silently and imperceptibly gains ground by *thwarting us in the exercise of our rights*. We are naturally on our guard against the open machinations of the former; but against the secret designs of the latter, what can secure us? What am I benefited by the frequent panegyrics of Lord Hawkesbury on the glorious Revolution, if, amidst all this ostentatious display of patriotism, I am to be robbed by him and his associates of one of the most useful privileges secured by that event? Or at least if I cannot resort to the exercise of it without experiencing the most poignant insult? Where would be the advantage of the grand palladium of personal liberty, if the judge were to tell the prisoner on his application for a writ of habeas-corpus, to remain quiet in prison and leave his case to the

discretion of the court? And, Sir, to what does this boasted Right of Petition amount, if the subject cannot carry his complaints to the foot of the throne, without being dismissed with contempt and disdain? If on an occasion, the most important to the honour of the country, that has occurred in the military annals of Britain, an humble petition from the first city of the empire has been thus treated with scorn, what is to be the fate of addresses, on subjects of less consequence, and if suing from quarters less respectable?—Our attention, by the extraordinary conduct of the ministry, is now transferred from the Convention of Cintra to the preservation of the rights and liberties of Britain. The truth is, this country is verging by rapid strides to despotism; and it becomes the duty of every man, who values the birth-rights of an Englishman, to use his utmost efforts to prevent farther encroachments. The only method, that can be pursued for this purpose, is loudly and unanimously to call for full, effectual, and parliamentary inquiry, not only into the Convention of Cintra, but into the conduct of those who were the advisers of this singular Answer to the Petition of the city of London. The cry of "NO ENEMIES TO THE RIGHT OF PETITION!" should resound from one corner of the empire to the other. Our ancestors dethroned a sovereign for invading our rights; their descendants cannot do less than dismiss and degrade an administration, who have evidently attempted to abridge and render nugatory what was then claimed, demanded, and established. In supporting the cause of this great city, we shall contribute to the security of our glorious constitution; and we shall afford a lesson to all future ministers, however fortunate, not to deviate from a constitutional course in the tide of prosperity, but to remember, that there are rocks, on which, whoever splits, must inevitably perish. — POLITIAN. — London, 12th Nov. 1808.

OFFICIAL PAPERS.

ENGLISH COMMERCE WITH SPAIN.—*Letter of Admiral Morla to Mr. Duff.*

The supreme junta of Seville declared to me, under date of the 13th instant, as follows:—"Most excellent Sir,—The supreme junta of Seville is adopting measures for forming a regulation, under which English commodities are for the present to be imported in the country, on which subject your excellency presented a note to the said junta, under date of the 3d inst. in answer to

which the said junta has resolved to declare to your excellency, that with regard to the vessels which have already arrived, they leave it entirely to your own judgment to determine in your wisdom and prudence what duty they ought to pay, the junta being desirous to testify to the English nation the high sense they entertain of their friendship and generous support.—In pursuance of the order received, I have this day communicated the following instructions to the director general of the customs:—Authorised by an order of the supreme junta of the 13th current, touching the importation of English goods, hitherto prohibited to be imported into this country, and the duty payable on goods of the like description, found on board of such ships of the said nation as are at present in the Bay, I have determined after having heard the opinion of their lordships with regard to the duty payable on the same, that they are to pay 15 per cent. royal customs; 5 per cent. if destined for inland consumption; and all the other duty payable on foreign goods, the importation of which is permitted, the shipment of the said goods for our possessions in America, being of course free and unprohibited, since, in this respect, they ought to be considered as free goods, on payment of 7 per cent. *ad valorem*, the proper officer adhering strictly to the ordinances issued on this subject. You will attend to the execution of the present order, and make it known to the trade through the competent board, with this proviso, that clothes made up, articles of wood, or any other material perfectly finished, are not to be imported on any consideration whatever.—I inform you of the premises for your own information, and for the direction of the individuals of your nation, that they may form a correct opinion of the high estimation in which the Spanish government holds the worthy subjects of his Britannic majesty, and perceive how anxiously that government desires to give proofs of its gratitude for their faithful alliance. God preserve you many years.—THOMAS DE MORLA.—As in the order which I communicated to you under date of the 16th instant, the supreme junta of Seville says only, that it is adopting measures for making regulation with regard to the importation of English commodities, which hitherto it was not lawful to import, it is not in my power to form any other determination, but with regard to goods of the above description, which are found on board of ships actually arrived in the Bay, and you must therefore apply to the supreme junta, for instruction, how far the same fa-

vour is to be extended to such ships as shall arrive in future, since it is not for me, as you desire in your last report, to decide that point.—God preserve you many years.—THOMAS DE MORLA.—Cadiz, Sept. 19.

AMERICAN EMBARGO.—*Petition of the Subscribers, Officers of Merchant Ships, belonging to the Port of Philadelphia: to the President of the United States.*

Respectfully sheweth, that, in consequence of the present embargo laws, the situation of your petitioners is grievous and afflicting; that they have been engaged in the mercantile service since their infancy, with few exceptions, and accustomed only to conduct ships or vessels across the ocean; that, from the operation of the present restrictive laws, they find themselves cut off from their usual employments, and, of course, the means of subsistence are gone.—Your petitioners are well acquainted with the duties of conducting ships from port to port, well versed in naval tactics, but unable to handle the harrow or the plough.—Your petitioners have for a long time borne, with patience, the privations incident to those restrictive laws, without murmur or complaint; but, when imperious necessity compels them to disclose the cause of their grievances, they humbly suppose they have a right so to do in a decent and respectful manner.—Your petitioners therefore pray, that your excellency will take their case into consideration, and adopt such measures as may relieve the wants of your petitioners; or, if there are vacancies in the navy, to give your petitioners, or some of them, an opportunity of serving therein; as they think themselves capable of performing services of that nature. They, however, submit their whole cause to your consideration, hoping your excellency will adopt such measures as wisdom and justice may point out, and as in duty bound will pray, &c.—Philadelphia, August 10, 1808.

President's Answer.

Sirs,—In answer to the petition which you delivered me from the officers in merchants vessels belonging to Philadelphia, I must premise my sincere regret at the sacrifices which our fellow-citizens in general, and the petitioners in particular, have been obliged to meet by the circumstances of the times. We live in an age of affliction, to which the history of nations presents no parallel—we have for years been looking on Enrope, covered with blood and violence, and seen rapine spreading itself over the ocean. On this element it has reached us,

and at length in so serious a degree, that the legislature of the nation has thought it necessary to withdraw our citizens and property from it, either to avoid or to prepare for engaging in the general contest. But for this timely precaution, the petitioners and their property might now have been in the hands of spoilers, who have laid aside all regard to moral right. Withdrawing from the greater evil, a lesser one has been necessarily encountered, and certainly, could the legislature have made provision against this also, I should have had great pleasure, as the instrument of its execution, but it was it impracticable, by any general and just rules, to prescribe in every case the best resource against the inconveniences of this new situation. The difficulties of the crisis will certainly fall with greater pressure on some description of citizens than others, and on none perhaps with greater than on our seafaring brethren. Should any means of alleviation occur within the range of my duties, I shall with certainty advert to the situation of the petitioners, and in availing the nation of their services, aid them with a substitute for their former occupation. I salute them and yourself with sentiments of sincere regard.—THOS. JEFFERSON.

BUENOS AYRES.—*Proclamation by Don Santiago Liniers y Bremond, Viceroy, Governor, and Provincial Captain-General of the Provinces of the Rio de la Plata, &c. Dated Buenos Ayres, Aug. 15, 1808.*

Brave and faithful inhabitants of Buenos Ayres.—Since the arrival of the last vessel from Cadiz, bringing advices of the events which have occurred in our mother country, relative to the abdication of the crown, executed by our beloved monarch, Charles IV. and his son Ferdinand VII. and the removal of the whole of the royal family to France, I consider you as anxious to fix your opinion upon a matter in which your loyalty is so deeply interested. This anxiety must have been greatly increased by the arrival of the French agent, who brought over various dispatches for this supreme government. The clamours of the unthinking have reduced your accredited enthusiasm to a state of irresolution. The not immediately declaring to you the object of his mission may, perhaps, have appeared to you a want of confidence very contrary to that which I place in you, and which your patriotism has merited. But whilst you were

employed in idle conjectures, the fathers of the country, your magistrates, and the chief, who has repeatedly conducted you to glorious triumphs, were incessantly occupied in devising the best means for maintaining your character, interest, and tranquillity.—From an examination of the contents of all the dispatches, it appears, that the emperor of the French has been compelled to recognise the absolute independence of the Spanish monarchy, and also that of all its transmarine possessions, without retaining or dismembering the minutest portion of its dominions; and to maintain the unity of religion, our properties, laws, and usages, which guarantee the future prosperity of the nation; and though the fate of the monarchy was not entirely decided, the cortes were summoned to meet at Bayonne on the 15th of June last, whither the deputies of cities, and other persons of all ranks in Spain, were repairing, to the number of one hundred and fifty.—His imperial and royal majesty, after applauding your triumphs and constancy, exhorts you to maintain with energy the high opinion which you have acquired by your valour and loyalty, offering you at the same time succours of every description; and I have not hesitated to assure him in reply, that the fidelity of this city to its lawful sovereign is the character which chiefly distinguishes it, and that I shall thankfully admit every description of aid, consisting of arms, ammunition, and Spanish troops. In times so calamitous nothing can so much contribute to your security as union and coincidence of sentiment on a point so interesting to the public happiness. Let us imitate the example of our ancestors in this happy land, who wisely escaped the disasters that afflicted Spain in the war of the Succession, by awaiting the fate of the mother country, to obey the legitimate authority which occupied the sovereignty.—Meanwhile not possessing orders sufficiently authoritative, to countermand the royal cedulas of the supreme council of the Indies for proclaiming and taking the oaths to Don Ferdinand VII. as already announced in my proclamation of the 31st of July, I have resolved that those measures shall be proceeded in with the forms and solemnities already agreed upon, flattering myself that in the midst of the public rejoicings and happiness we shall prepare ourselves for new triumphs.

(To be continued.)